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C O N F I D E N T I A L SECTION 01 OF 02 QUITO 001060

SIPDIS

DHS FOR USCG, DEPT FOR WHA/AND, INL

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SUBJECT: MFA LEERY OF CEDING JURISDICTION OVER SMUGGLING VESSEL

REF: CAWTHORNE/MACRIS EMAIL OF 5/10

Classified By: Charge d'Affaires Arnold Chacon, Reasons 1.4 (b), (d)

11. (C) SUMMARY: In a May 10 call on Acting Foreign Minister Marcelo Fernandez, the Charge requested the GoE waive jurisdiction over the F/V Simon Bolivar, an Ecuador-flagged fishing vessel interdicted May 8 while smuggling four tons of cocaine. In his demarche, the Charge revealed the Bolivar had intentionally rammed the USS Jarrett and endangered its crew, cited evidence of a possible Colombian narcoterrorism connection, and noted a disturbing trend of drug traffickers increasingly using Ecuadorian vessels to transport merchandise. A vigorous U.S. prosecution of the Bolivar case might deter narcotraffickers from utilizing Ecuadorian waters, he concluded. Fernandez initially pushed back, claiming the "Colombian connection" was sketchy and the ramming more a suicide mission than an attack. Rather than dismiss the U.S. request immediately, he requested additional information in order to make a more educated decision. The Embassy May 11 provided Bolivar case specifics via diplomatic note; a positive GoE response to the jurisdiction request looks unlikely, however. END SUMMARY.

12. (SBU) U.S. law enforcement long believed the F/V Simon Bolivar, an Ecuador-flagged fishing vessel, was involved in trafficking cocaine to the United States. The USS Jarrett, conducting C-N patrols in the eastern Pacific May 7, spotted the Bolivar 130 miles west of Peru, doing no fishing. After a PD-27 conference call, the interagency agreed to seek the GoE's approval for interdiction, boarding, and inspection; the Ecuadorians replied affirmatively 18 hours later. Upon boarding, the Jarrett's inspection team discovered concealed packages they assumed were drugs, despite the Bolivar crew earlier having opened scuttling valves to sink the vessel. In a final attempt to destroy evidence, the Bolivar's captain accelerated to full speed and rammed the Jarrett, causing minor damage to the warship but destroying the fishing vessel. Jarrett crewmembers then apprehended the Bolivar's captain and crew, and recovered over 100 bales of cocaine from the wreckage.

13. (C) The Embassy May 10 received interagency-approved guidance to approach the GoE, to seek a waiver of jurisdiction over the apprehended Ecuadorian nationals and allow a U.S. prosecution (Ref email). Poloff conveyed preliminary information on the Bolivar seizure to MFA U/S for Sovereignty and Limits Diego Stacey; the undersecretary promised to brief the acting FM in advance of the Charge's pre-scheduled call.

13. (C) The Charge told Fernandez that Washington agencies viewed the Simon Bolivar case with great concern. A Colombian Designated Terrorist Organization (DTO) was involved, for instance. The multi-ton bust was the third involving Ecuadorian crews in two weeks, pointing to increasing DTO infringement of Ecuadorian sovereignty. And the Bolivar captain had deliberately attacked a U.S. warship, an action the USG viewed with great alarm. The Charge emphasized he had Washington instructions to exert fullest pressures to win jurisdiction over the captain, cargo and crew.

14. (C) Fernandez's skepticism was thinly-veiled throughout the meeting. He first questioned the DTO angle. "Where is the proof?" he demanded. Fernandez also downplayed the significance of the Bolivar's captain's ramming the Jarrett, noting the vessels' size discrepancy from the photos the DCM had brought. "Were there explosives on board? If not, it looks more like an act worthy of Ripley's Believe it or Not."

15. (C) Despite his apparent doubt, Fernandez promised to consider the USG request and cooperate in investigating the case. He lamented the dearth of information with which to make a decision to waive jurisdiction, however, claiming the DCM's demarche and an earlier pre-brief were insufficient. As an example, he lacked (and sought) the total weight of drugs recovered. The DCM proposed transmitting a diplomatic note containing case specifics; Fernandez welcomed the offer. They promised to converse again before week's end.

16. (C) COMMENT: The Embassy delivered the diplomatic correspondence May 11; it essentially recast the referenced

email. Regrettably, we consider the MFA appeal more a stalling tactic than a good-faith request for information; a positive response to our request for Bolivar jurisdiction therefore would surprise us. Foreign Ministry elites long have seen themselves the guardians of Ecuadorian sovereignty.

With the Alfredo Palacio administration now featuring ultranationalist ministers, the situation likely will worsen, and such sovereignty concerns could constrain the GoE from waiving jurisdiction over this and other interdictions.

CHACON